

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE **and** STEM
CELL & REGENERATIVE MEDICINE
INTERNATIONAL, INC.,

Plaintiffs,

v.

IMSTEM BIOTECHNOLOGY, INC.,
XIAOFANG WANG, **and** REN-HE XU,

Defendants.

Civil Action No. 1:17-cv-12239-ADB

**PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO FILE ITS OPPOSITION
AND DOCUMENTS SUPPORTING ITS OPPOSITION TO DEFENDANTS' MOTION
FOR LEAVE TO FILE AMENDED COUNTERCLAIMS UNDER SEAL**

Plaintiffs, Astellas Institute for Regenerative Medicine and Stem Cell & Regenerative Medicine International, Inc. respectfully move, pursuant to Local Rule 7.2 and the Protective Order in this action (Doc. No. 55), to seal confidential opposition papers and supporting exhibits that are due on Tuesday July 30, 2019. Counsel for Plaintiffs has conferred with counsel for Defendants, who has indicated that Defendants do not oppose the relief sought herein. The confidential papers are Plaintiffs' Opposition to Defendants' Motion for Leave to File Amended Counterclaims, and certain exhibits to the Declaration of Lauren Sharkey in support thereof.

Pursuant to the Protective Order entered in this case, parties may designate technical or commercially sensitive and confidential information as "Confidential" or "Highly Confidential." Such information may not be disclosed publicly without a court order. (Doc. No. 55, Section V.B). Plaintiffs seek leave to file under seal the following information in connection with its Opposition, all of which has been designated as confidential or highly confidential:

1. Excerpts of the June 14, 2019 deposition transcript of Xiaofang Wang;
2. Exhibit 36 to the deposition of Xiaofang Wang, IMSTEM-0031515 and IMSTEM-0031516, marked “Confidential”;
3. Exhibit 37 to the deposition of Xiaofang Wang, IMSTEM-0027835 and IMSTEM-0027836, marked “Confidential”;
4. IMSTEM-0002553, March 28, 2011 email, marked “Confidential”;
5. IMSTEM-0029820, March 29, 2014 email, marked “Confidential”;
6. Excerpts of the March 2018 Transcript, LU-00000003, marked “Highly Confidential”.

As to document number 6, Plaintiffs designated the Lu transcript under the Protective Order, and Defendants are honoring the designation (which requires a filing under seal) but are not waiving their rights to challenge the designation to any excerpt of the document or to the document in its entirety at a later point.

In addition, Plaintiffs also seek leave to file under seal Plaintiffs’ Opposition to Defendants’ Motion for Leave to File Amended Counterclaims and file a redacted version of same publicly. The Opposition reveals throughout its text the contents of the foregoing materials that have been designated confidential or highly confidential under the Protective Order.

In accordance with the above, Plaintiffs respectfully request the Court grant its Motion Seeking Leave to File Documents Under Seal.

Dated: July 26, 2019

Respectfully submitted,

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for all parties have conferred and Defendants assent to this motion.

/s/ Charles H. Sanders
Charles H. Sanders

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent via first class mail on July 26, 2019 to those identified as non-registered participants.

/s/ Charles H. Sanders
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